



SO ORDERED.

SIGNED this 17th day of July, 2014.

Catharine R Aron

UNITED STATES BANKRUPTCY JUDGE

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
GREENSBORO DIVISION**

IN RE:

**Jeffery Dean Clifton
Robin Bennett Clifton**

Debtors.

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CASE NO. 14-10244

Chapter 7

**ORDER TO AVOID JUDICIAL LIEN OF LARRY W. MCKENZIE, CHRISTY
MCKENZIE, AND LARRY W. MCKENZIE GRANTOR TRUST**

This matter comes before the Court on a motion to avoid a judicial lien pursuant to 11 U.S.C. § 522(f) and Federal Rules of Bankruptcy Procedure 4003(d) and 9014. Having considered the motion and other matters of record in this case, the Court finds and concludes:

1. All parties in interest have received due notice of the motion and no party has timely objected to the relief requested in the motion.
2. The Debtors exempted property described as a house and lot at 328 Oakgrove Road, Asheboro, NC, 27205, with a value of \$154,070.00, as of the petition date.
3. Pursuant to N.C.G.S. § 1C-1601(a)(1), the Debtors claimed an exemption in the abovementioned property of \$49,070.00.
4. The abovementioned property is encumbered by a first deed of trust in favor of GreenTree, which secures indebtedness with an unpaid balance of \$105,000.00 as of the petition date.
5. Larry W. McKenzie, Christy McKenzie, and Larry W. McKenzie Grantor Trust hold a judicial lien against the abovementioned property pursuant to a judgment dated

November 15, 2013, and recorded in the office of the Clerk of Superior Court of Randolph County in the amount of \$55,104.21, plus interest.

6. Because the total aggregate of the liens and the value of the exemption is \$230,104.21, which exceeds the value of Debtor's interest in the property by \$76,034.21, and because that sum is greater than or equal to the amount of the \$55,104.21 judicial lien sought to be avoided, the judicial lien impairs an exemption pursuant to 11 U.S.C. § 522(f) and may be completely avoided pursuant to 11 U.S.C. § 522(f)(1).

Therefore, it is

ORDERED that the judicial lien held by Larry W. McKenzie, Christy McKenzie, and Larry W. McKenzie Grantor Trust and recorded in the Office of the Clerk of Superior Court of Randolph County be and hereby is AVOIDED AND CANCELLED as to the property described as 328 Oakgrove Road, Asheboro, NC 27205, and said judicial lien shall have no further force or effect as to said real property.

END OF DOCUMENT

PARTIES TO BE SERVED:

14-10244

William P. Miller, Esq.
U. S. Bankruptcy Administrator
(electronically)

James C. Lanik
Chapter 7 Trustee
PO Box 1550
High Point, NC 27261

Larry & Christy McKenzie
Larry W. McKenzie Grantor Trust
1087 Bunting Road
Asheboro, NC 27205

Jeffery and Robin Clifton
328 Oakgrove Road
Asheboro, NC 27205

Julie H. Stubblefield
117 Sunset Avenue
Asheboro, NC 27203